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GEORGE R. NIMMER
PO BOX 252
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JUN 22 2004

In re Application of
Douglas Barry et al.
Application No. 10/627,342
Filed: July 25, 2003
Title of Invention: TRANSFER AND
POSITIONING APPARATUS FOR
AUTOMATED CONVEYOR SYSTEM

OFFICE OF PETITIONS

DECISION ACCORDING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the renewed petition filed June 1, 2004, under 37 CFR 1.47(a).¹

The petition is **GRANTED**.

Petitioners have shown that the non-signing inventor, Thomas L. Bybee, refuses to join in the filing of the above-identified application after having been sent a copy of the application papers. Specifically, the statement of George R. Nimmer, Attorney of Record, copies of the letter sent to Mr. Bybee with the copies of the complete application and proof that Mr. Bybee is in receipt of the application materials, establishes that Mr. Bybee has been given an opportunity to join in the filing of the above identified application. Mr. Bybee's failure to return an executed oath or declaration is tantamount to a refusal to cooperate with the filing of the application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the declaration. Notice of the filing of this application will also be published in the Official Gazette.

The application is being forwarded to Technology Center 1743 for examination in due course.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (703) 305-4497.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

¹A petition filed December 22, 2003 was dismissed in a decision mailed February 26, 2004. The instant renewed petition is filed with a one month extension of time request and a certificate of mail dated May 25, 2004.



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THOMAS L. BYBEE
10285 GRAND AVENUE
OMAHA, NE 68134

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Application No. 10/627,342
Filed: July 25, 2003
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Dear Mr. Bybee:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned Petitions Attorney at (703) 305-4497. Requests for information regarding your application should be directed to the File Information Unit at 703/308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 703/308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

cc:
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PO BOX 252
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